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*Attorneys for Appellants*

**IN THE SUPREME COURT OF THE STATE OF ALASKA**

ESAU SINNOK, et al.	)	
	)	
Appellants,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, et al.	)	
	)	
Appellees.	)	Supreme Court Case No. <b>S-17297</b>
<hr/>		
Trial Court Case No. <b>3AN-17-09910 CI</b>		

**APPELLANTS' UNOPPOSED MOTION TO AMEND CASE CAPTION**

Pursuant to Alaska Rule of Appellate Procedure 503(a), Appellants hereby request to amend the case caption of this appeal to *Summer Sagoonick, et al., v. State of Alaska, et. al.*, as reflected in the full proposed caption attached hereto as

Exhibit A.<sup>1</sup> This motion is supported by the attached affidavit. The amendment to the caption is necessary in the interests of justice and for the reasons set forth in the attached affidavit. The amended caption also reflects the present alignment of the parties as various individual Defendant-Appellees named in their official capacities have been replaced by election and appointment. *See* Alaska Rule of Appellate Procedure 517(b).

DATED this 20th day of May, 2020 at Eugene, Oregon.

Attorneys for Appellants

s/ Andrew L. Welle /  
Andrew L. Welle, Pro Hac Vice  
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<sup>1</sup> Counsel for Appellants conferred with counsel for Appellees regarding this Motion prior to filing. Appellees do not oppose this Motion.

**Exhibit A**

**Proposed Caption**

**IN THE SUPREME COURT OF THE STATE OF ALASKA**

SUMMER SAGOONICK; LINNEA L., )  
a minor, by and through her guardian, )  
HANK LENTFER; TASHA )  
ELIZARDE; CADE TERADA; )  
KAYTLYN KELLY; BRIAN )  
CONWELL; JODE SPARKS; )  
MARGARET “SEB” KURKLAND; )  
LEXINE D., a minor, by and through her )  
guardian, BERNADETTE )  
DEMIENTIEFF; ELIZABETH )  
BESSENYEY; VANESSA DUHRSEN )  
ANANDA ROSE AHTAHKEE L., a )  
minor, by and through her guardian, )  
GLEN “DUNE” LANKARD; GRIFFIN )  
PLUSH; CECILY S. and LILA S., )  
minors, by and through their guardians, )  
MIRANDA WEISS and BOB )  
SHAVELSON; and ESAU SINNOK, )

Appellants, )

v. )

STATE OF ALASKA; MICHAEL )  
DUNLEAVY, Governor of the State of )  
Alaska, in his official capacity; )  
ALASKA DEPARTMENT OF )  
ENVIRONMENTAL )  
CONSERVATION; JASON BRUNE, )  
Commissioner of Alaska Department of )  
Environmental Conservation, in his )  
official capacity; ALASKA )  
DEPARTMENT OF NATURAL )  
RESOURCES; ALASKA OIL AND )  
GAS CONSERVATION )  
COMMISSION; ALASKA ENERGY )  
AUTHORITY; and REGULATORY )

COMMISSION OF ALASKA, )  
 )  
 Appellees. ) Sup. Ct. Case No. **S-17297**  
 )  
 Trial Court Case No. **3AN-17-09910 CI**

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*Attorneys for Appellants*

**IN THE SUPREME COURT OF THE STATE OF ALASKA**

ESAU SINNOK, et al.	)	
	)	
Appellants,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, et al.	)	
	)	
Appellees.	)	Supreme Court Case No. <b>S-17297</b>
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**AFFIDAVIT OF COUNSEL**

STATE OF ALASKA	)	
	)	ss.
SUPREME COURT	)	

Andrew L. Welle, under penalty of perjury, states as follows:

1. I am an attorney of record on behalf of Appellants (“Plaintiffs”) in the above-captioned matter. I submit this Affidavit in support of Appellants’

Unopposed Motion to Amend Case Caption. I have personal knowledge of the facts stated herein, except as to those stated upon information and belief and, if called to testify, I would and could testify competently thereto.

2. Esau Sinnok (“Esau”), the first-named plaintiff in this litigation, is currently incarcerated in the Anchorage Correctional Complex pending charges in *State of Alaska v. Sinnok, Esau D.*, No. 3AN-20-02459CR in the Superior Court for the State of Alaska, Third Judicial District at Anchorage.

3. I have conferred telephonically with Esau and separately with his appointed public defender. Based on those conferrals, I understand that, absent alternative arrangements, Esau will likely remain incarcerated during the pendency of the charges in *State of Alaska v. Sinnok, Esau D.*, No. 3AN-20-02459CR, and will thus have difficulty participating in this civil suit.

4. The above captioned-matter has garnered significant media attention in local, state-wide, and nation-wide publications. I, and other members of Plaintiffs’ litigation team, have received inquiries from the press inquiring on developments in this matter and I anticipate significant media coverage upon a decision from this Court.

5. There is substantial similarity between the caption in this matter and the caption in the criminal matter, *State of Alaska v. Sinnok, Esau D.*, No 3AN-20-02459CR. The connection between these matters in the public realm is potentially damaging and prejudicial to the young Plaintiffs whom I represent. To date, at least one publication has published a story expressly connecting the charges at

issue in *State of Alaska v. Sinnok, Esau D.*, No 3AN-20-02459CR with the proceedings in this matter. The proposed amendment of caption would help to minimize the potential of any further connection between this matter and the criminal matter in the public realm, thereby minimizing the potential of damage and prejudice to the youth I represent.

6. Due to the substantial similarity between the caption in this matter and the caption in the criminal matter, *State of Alaska v. Sinnok, Esau D.*, No. 3AN-20-02459CR, upon information and belief, a decision in this matter under the current caption could result in confusion in the media and the public of the issues presented in this matter and the proceedings in *State of Alaska v. Sinnok, Esau D.*, No. 3AN-20-02459CR. The proposed amendment of caption would help to minimize the potential for such confusion.

7. On information and belief, if a decision in this matter is issued under the current caption, the significant anticipated media attention is also likely to bring publicity to the charges at issue in *State of Alaska v. Sinnok, Esau D.*, No 3AN-20-02459CR, potentially impacting jury selection or other considerations in that matter. The proposed amendment of caption would help to minimize that potential.

8. Media inquiries that I and members of Plaintiffs' litigation team have received in connection with this matter commonly include requests for interviews with Esau in his role as the first-named plaintiff in this matter. Due to his continuing incarceration, Esau will be substantially limited, if not entirely

unable, to respond to requests for comment and interviews in the above-captioned matter. The proposed amendment of caption would help to direct media requests for interviews to other Plaintiffs in this matter.

9. I have conferred with all of the plaintiffs in this constitutional case. Due to Esau's current circumstance, and for the reasons identified above, it is both Esau's and his co-plaintiffs' wish that Esau step back from his leadership role in this litigation. Esau Sinnok, Summer Sagoonick, and each of the other young Plaintiffs wish for Summer Sagoonick to replace Esau as the first-named plaintiff in this matter. The proposed amendment of caption reflects the wishes of Plaintiffs.

10. Defendant-Appellees in this matter include the Governor of the State of Alaska and the Commissioner of the Alaska Department of Environmental Conservation, each in their official capacities. Plaintiffs filed their Notice of Appeal in this matter on November 29, 2018. On December 3, 2018, Michael Dunleavy succeeded William Walker as the Governor of the State of Alaska. By appointment on December 3, 2018, Jason Brune succeeded Lawrence Hartig as Commissioner of the Alaska Department of Environmental Conservation. The proposed amendment of caption reflects the automatic substitution of these officials in this matter pursuant to Alaska Rule of Appellate Procedure 517(b).

11. There would be no prejudice to the Defendants from the proposed amendment of caption.



12. I conferred with Laura Wolff, counsel for Appellees, via email on May 20, 2020 regarding Appellants' Unopposed Motion to Amend Case Caption. Appellees do not oppose Appellants' Unopposed Motion to Amend Case Caption.

I certify under penalty of perjury that the foregoing is true. Executed on May 20, 2020.

s/ Andrew L. Welle /  
ANDREW L. WELLE

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SUMMER SAGOONICK, et al.	)	
	)	
Appellants,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, et al.	)	
	)	
Appellees.	)	Supreme Court Case No. <b>S-17297</b>
<hr style="width: 45%; margin-left: 0;"/>		
Trial Court Case No. <b>3AN-17-09910 CI</b>		

**ORDER**

Upon consideration of Appellants' Unopposed Motion to Amend Case Caption, it is hereby ORDERED that said Motion is GRANTED.

DATED this \_\_\_\_th day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**IN THE SUPREME COURT OF THE STATE OF ALASKA**

ESAU SINNOK, et al.,	)	
	)	
Appellants,	)	
	)	
v.	)	
	)	
STATE OF ALASKA, et al.,	)	
	)	
Appellees.	)	Sup. Ct. No. S-17297
Trial Court Case No. 3AN-17-09910 CI		

**APPELLANTS' CERTIFICATE OF TYPEFACE**

Pursuant to Rule of Appellate Procedure 513.5(c), Appellants hereby certify, by and through their attorneys, that the Appellants' Unopposed Motion to Amend Case Caption, Appellants' supporting Affidavit of Counsel, and all accompanying documents submitted therewith in the above captioned matter were printed in 13 point font, proportionally spaced, in Times New Roman typeface in compliance with Appellate Rule 513.5(c).

*[Signature page follows]*

DATED this 20th day of May 2020 at Eugene, Oregon.

s/ Andrew L. Welle /  
Andrew L. Welle, Pro Hac Vice  
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Indiana Bar # 31561-71  
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	)	
Appellees.	)	Sup. Ct. No. S-17297
	)	
<hr style="width: 45%; margin-left: 0;"/>		
Trial Court Case No. 3AN-17-09910 CI		

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date true and correct copies of **Appellants’ Unopposed Motion to Amend Case Caption**, Appellants’ supporting **Affidavit of Counsel**, a proposed **Order**, **Appellants’ Certificate of Typeface**, and this **Certificate of Service** were served via email on the following:

**Appellees**  
Laura Wolff  
Office of the Attorney General  
laura.wolff@alaska.gov

***Amici Curiae* League of Women Voters**  
Elizaveta Barrett Ristroph  
ebristroph@gmail.com

***Amici Curiae* Law Professors**  
Teresa B. Clemmer  
Peter Van Tuyn  
BESSENYEY & VAN TUYN  
teresa@bvt-law.com  
peter@bvt-law.com

***Amici Curiae* Alaska Inter-Tribal Council,  
Eyak Preservation Council, and Native  
Conservancy Land Trust**  
Robert John  
rjohn@gci.net

[Signature page follows]

DATED this 20th day of May 2020 at Eugene, Oregon.

Attorneys for Appellants

s/ Andrew L. Welle /

Andrew L. Welle, Pro Hac Vice

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